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Attachment A

H. R. 8427 places authority in the Director of Central Intelligence as follows:

- to prescribe rules and regulations (sec. 201 (a) and sec. 281);**
- to administer the retirement system (sec. 201 (b));**
- to maintain the retirement fund (sec. 202);**
- to designate and adjudge the persons "who shall be entitled to the benefits of the system " (participants) (sec. 203);**
- to determine the good health of unmarried participants who elect survivor benefits upon retirement (sec. 221 (f));**
- to order the retirement of participants who become totally disabled or medically incapacitated for useful and efficient service (sec. 231 (a));**
- to designate qualified physicians or surgeons to conduct examinations for disability retirement (sec. 231 (b));**
- to determine disability on the basis of the advice of such physicians or surgeons (sec. 231 (b));**
- to determine recovery from disability upon the advice of such physicians or surgeons (sec. 231 (b));**
- to reinstate recovered disability annuitants to the same or a higher grade (sec. 231 (b));**
- to approve voluntary retirement (sec. 233);**
- to deny deferred annuity in the case of discontinued service retirement where he determines that the separation was based on disloyalty to the United States (sec. 234 (a));**

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to retire participants to promote the efficiency of the Agency (sec. 234 (c) and (d));

to accelerate or combine payment of installments of separation allowance paid to participants retired to promote the efficiency of the service (sec. 234 (d) (1));

to extend the service of a participant who has reached voluntary retirement age for a period not to exceed five years (sec. 235 (a) and (b));

to determine next of kin (sec. 241 (b) (6));

to receive applications for crediting of prior military or naval service credit (sec. 252 (a));

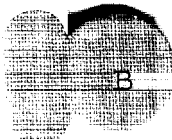
to prepare estimates of the annual appropriations required to be made to the fund (sec. 261);

to invest portions of the fund in interest-bearing securities of the United States from time to time with the approval of the Secretary of the Treasury (sec. 262); and

to recall retired participants to duty (sec. 271).

The Act also provides that any of the foregoing determinations by the Director of Central Intelligence shall be deemed to be final and conclusive and not subject to review by any court (sec. 201 (c)).

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Attachment B

The Foreign Service Act after which H. R. 8427 was fashioned, vests the authorities listed in Attachment A,

(1) in the President of the United States:

to make rules and regulations (sec. 801 (a) and sec. 881 (a), FSA).

(2) in the Secretary of the Treasury:

to maintain the retirement fund (sec. 802, FSA),

to prepare estimates of the annual appropriations required to be made to the fund (sec. 861, FSA),

to invest in interest-bearing securities of the United States such portions of the fund as may not be immediately required (sec. 863, FSA), and

(3) in the Secretary of State:

to prescribe regulations for permissible period of time in grade and standards of performance re selection-out (sec. 633, FSA),

to administer the retirement system (sec. 801 (b), FSA),

to prescribe physical examinations for unmarried participants who elect survivor benefits upon retirement (sec. 821 (f), FSA),

to order the retirement of such persons who become totally disabled or medically incapacitated for useful and efficient service (sec. 831 (a), FSA),

to designate qualified physicians or surgeons to conduct examinations for disability retirement (sec. 831 (b), FSA),

to determine disability on the basis of the advice of such physicians or surgeons (sec. 831 (b), FSA),

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to determine recovery from disability upon the advice of such physicians or surgeons (sec. 831 (b), FSA),

to reinstate recovered disability annuitants to the same or a higher grade (sec. 831 (b), FSA),

to approve voluntary retirement (sec. 636, FSA),

to deny deferred annuity in the case of discontinued service retirement where he (Secretary of State) determines that the separation was based on disloyalty to the United States (sec. 637 (b)),

to accelerate or combine payment of installments of separation allowance paid to participants retired to promote the efficiency of the Service (sec. 634 (b), FSA),

to extend the service of a participant who has reached mandatory retirement age for a period not to exceed five years (sec. 631 and sec. 632, FSA),

to determine next of kin (sec. 841 (b) (6), FSA),

to receive applications for prior military or naval service credit (sec. 852 (a), FSA), and

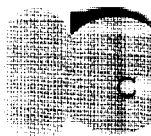
to recall retired participants to duty (sec. 520 (b), FSA).

Unlike the proposed Central Intelligence Agency Act (H. R. 8427), the Foreign Service Act grants no discretion in the designation of persons who shall be entitled to the benefits of the system. Each person or class of persons who will participate is specifically identified (sec. 803 (a), FSA):

- (1) All Foreign Service Officers;
- (2) All other persons making contributions to the Fund on the effective date of the Act; and
- (3) Any Chief of Mission who is not otherwise entitled to be a participant and who fulfills the conditions of paragraph (b) of the section.

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Attachment C

Authority Vested in the Director of
Central Intelligence by H. R. 8427

Proposed Regulation Application
of H. R. 8427 Authorities

<u>Section</u>	<u>Authority</u>	<u>Designee</u>	<u>Page & Section</u>
201 (b)	to administer the retirement system	Director of Personnel	p. 1, c (1)
202	to maintain the retirement fund	Director of Finance	p. 3, e (3)
203	to designate and adjudge participants	Director of Personnel	p. 2, c (1) p. 8, e (4) (d)
221 (f)	to determine good health of unmarried participant	Director of Personnel	p. 36, n (4)
231 (b)	to designate physician or surgeon to conduct disability examination	Deputy Director (Support)	p. 11, f (5) (a) (2) and f (5) (a) (3)
	to determine disability	Director of Personnel (with appeal to DCI)	p. 13, f (6) (a)
	to determine recovery from disability	Director of Personnel	p. 18, f (10) (a) and (b)
	to reinstate at same or higher grade	Director of Personnel	p. 18, f (10) (a) (1)
234 (d) (1)	to accelerate or combine installments of separation allowance	Director of Personnel	p. 23, j (2) (a)
252 (a)	to receive applications for prior military or naval service credit	Director of Personnel	pp. 32-33, m (2) (c) & (d)
261	to prepare estimates of the annual appropriations required for the fund	Director of Finance	p. 39, q (1)

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Attachment D

**Authority Vested in the Director of Central Intelligence by
H. R. 8427 and Reflected in the Proposed Regulations**

Bill Section	Authority	Regulation Page
201 (a) and 281	Prescribe rules and regulations	p. - -
231 (a)	Disability retirement	p. 9
	Appeal	p. 14
233	Voluntary retirement	p. 21
234 (a)	Determination of disloyalty	p. 23
234 (c) and (d)	Discontinued service retirement	p. 23
235 (a) and (b)	Mandatory retirement age extension	p. 25
241 (b) (6)	Determination of next of kin	p. 28
271	Recall of retired participants	p. 37
262	Investment of money	p. 39

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Attachment E

Foreign Affairs Manual Application of the Foreign Service Act
Authorities Set Forth in Attachment B

Foreign Service Act Section	Authority	Foreign Affairs Manual Section
841 (b) (6), FSA Authority in Secretary	Determination of next of kin	671. 3-6f Authority in Secretary
636, FSA Authority in Secretary	Voluntary retirement	672. 1-1 Authority in Chief, Personnel Operations Division
631 and 632, FSA Authority in Secretary	Mandatory retirement age extension	672. 2-3 672. 2-3 Authority in Secretary
831 (a) Authority in Secretary	Disability retirement	672. 3-1a Authority in Department
831 (b) Authority in Secretary	Designation of physicians and surgeons for disability examinations	672. 3-2b (2) Authority in Medical Director
831 (b) Authority in Secretary	Recovery from disability	672. 3-7 Authority in Director of Personnel
821 f Authority in Secretary	To determine good health of unmarried participants	673. 2-3 -----
852 Authority in Secretary	Prior military or naval service credit	673. 5-3 Authority in Department
647 (b) Authority in Secretary	Separation based on disloyalty	673. 7 -----